

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HIDDEN HILLS MANAGEMENT, LLC,
and 334TH PLACE 2001, LLC,

Plaintiffs,

v.

AMTAX HOLDINGS 114, LLC, and
AMTAX HOLDINGS 169, LLC,

Defendants.

AMTAX HOLDINGS 114, LLC, AMTAX
HOLDINGS 169, LLC, and PARKWAY
APARTMENTS, LP

Counter-Plaintiffs,

v.

HIDDEN HILLS MANAGEMENT, LLC,
and 334TH PLACE 2001, LLC,

Counter-Defendants.

No. 3:17-cv-06048-RBL

ORDER GRANTING 334TH PLACE 2001,
LLC'S MOTION TO COMPEL AND FOR
IN CAMERA REVIEW OF CERTAIN
DOCUMENTS

NOTE ON MOTION CALENDAR:
December 7, 2018

THIS COURT, having read and considered Plaintiff 334th Place 2001, LLC's ("**334th Place**") Motion to Compel and for In Camera Review of Certain Documents, and the motion's supporting declaration and exhibits, and any opposition thereto, and good cause appearing, the Court hereby ORDERS:

1. 334th Place's Motion is GRANTED.

ORDER GRANTING MOTION
TO COMPEL
(No. 3:17-cv-06048-RBL)- 1

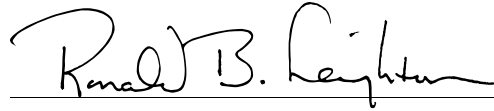
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STOEL RIVES LLP
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2. Defendant AMTAX Holdings 169, LLC's ("Amtax 169") privilege and work product objections made in response to 334th Place's Rule 30(b)(6) Notice and during the October 26, 2018 deposition of Amtax 169 are **OVERRULED**.
3. Amtax 169's designated representative must appear for another deposition and answer the questions that were previously unanswered due to either lack of preparation or on privilege or work product grounds. During the resumed deposition, Amtax 169's counsel shall not object on privilege or work product grounds, or instruct the witness not to answer, any questions that seek factual information.
4. Amtax 169's prior inability or refusal to provide answers to 334th Place's factual questions was tantamount to a failure to appear. As a result, pursuant to Federal Rule of Civil Procedure 37(d), 334th Place's reasonable expenses, including its attorneys' fees and costs, incurred to prepare for and hold the continued Rule 30(b)(6) deposition of Amtax 169 will be paid for by Amtax 169.
5. Upon review of the documents before the Court for in camera inspection that were clawed back by Amtax 169, the Court has concluded that those documents are not privileged or subject to the work product doctrine. Amtax 169 shall therefore rescind its claw back of those documents, which bear bates numbers AMTAXHH00019120-21 and AMTAXHH00020525-26.
6. Pursuant to Rule 37(a)(5)(A), 334th Place's reasonable expenses, including its attorneys' fees and costs, incurred in bringing this motion are estimated at \$7,500.00 (on the low side) and Amtax will pay these expenses to 334th Place within fifteen (15) days of this order.

IT IS SO ORDERED.

1 DATED this 28th day of December, 2018.

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4 Ronald B. Leighton
5 United States District Judge
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8 Presented By:

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10 STOEL RIVES LLP

11 s/ J. Scott Pritchard

12 David R. Goodnight, WSBA No. 20286

13 Rita V. Latsinova, WSBA No. 24447

14 J. Scott Pritchard, WSBA No. 50761

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22 Attorneys for Plaintiffs Hidden Hills
23 Management LLC and 334th Place 2001,
24 LLC.
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ORDER GRANTING
MOTION TO COMPEL
(No. 3:17-cv-06048-RBL) - 3

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